

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICOLAS GOUREAU, *et al.*,

Plaintiffs,

v.

MARCUS LEMONIS, *et al.*,

Defendants.

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Civil Action No. 1:20-cv-04691-MKV

**AMENDED NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P.
41(a)(1)(A)(i)**

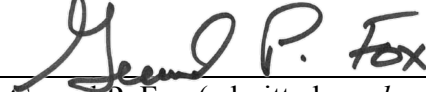
Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Nicolas Goureau and Stephanie Menkin, individually, hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against all defendants.¹

Plaintiffs note that they intend to re-file their claims in New York state court pursuant to the Court's directions provided in its October 15, 2021 Order (Dkt. No. 89). As the Court has not reached the issue of leave to amend, Plaintiffs retain their rights to dismiss their claims without prejudice under Rule 41(a)(1)(A)(i) and hereby exercise those rights.

This Notice takes effect upon filing.

Dated: November 19, 2021

Gerard Fox Law P.C.



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¹ As for the derivative claims asserted by Plaintiffs on behalf of Gooberry Corporation, Plaintiffs will seek the Court's separate approval to proceed with their voluntary dismissal under Fed. R. Civ. Proc. 23(c). This, however, does not affect Plaintiffs' rights to effectuate voluntary dismissal of their individual claims. *See, e.g., Azkour v. Haouzi*, 2013 WL 3972462, at *3 (S.D.N.Y. Aug. 1, 2013) (joining "other courts in this Circuit in interpreting Rule 41(a)(1)(A) as permitting the withdrawal of individual claims" (citing cases)).